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15 September 2026

Department of Employment and Workplace Relations
GPO Box 9828
Canberra ACT 2601

Dear Sir/Madam,

Re: Digital Protections Framework and Section 40Y Guidelines

Anglicare Australia welcomes the opportunity to review the Digital Protections Framework (DPF). We support the intent of the DPF to introduce safeguards around the Targeted Compliance Framework (TCF) and the automation of other Commonwealth employment services programs. However, in its current form, the DPF will not sufficiently protect people from the harms of automated decision-making (ADM). We recommend strengthening the DPF through the principles of participation, human oversight, transparency, and accountability, as detailed in Anglicare Australia's *Position Statement: Automated Decision-Making in Human Services*, which is attached below.

The need for robust protections is underscored by past experience with ADM in employment services. The TCF has shown how ADM processes can cause distress and real harm, particularly for vulnerable people, such as individuals with barriers to employment. This highlights the importance of ensuring that the DPF, or any framework governing ADM systems, contains strong safeguards.

The DPF promotes participation by giving people affected by ADM opportunities to make submissions and by supporting access to both digital and non-digital pathways. We welcome these measures to help individuals engage with decisions that affect them and to reduce barriers to accessing services. However, the DPF limits participation to within decision-making processes after an ADM system is established. It does not require broader participation in the design, deployment, and evaluation of ADM systems. Further, while the DPF requires human rights to be promoted in the use of technological processes generally, it does not require human rights impact assessments. Participation should involve co-design with impacted communities, including people with barriers to employment, and the use of human rights impact assessments before ADM systems are implemented.

The DPF contains some transparency provisions, including requirements to provide written notices of decisions, explain the reasons for decisions, communicate review rights, use clear language, and report on compliance. We support these measures, which will help people understand decisions and challenge them when necessary. Nevertheless, the DPF does not provide the level of transparency required. It focuses primarily on explaining individual decisions rather than providing visibility into the ADM systems themselves. We believe governments should also publish detailed information about the rationale, design, decision rules, algorithms, data sources, and evaluation of ADM systems so they can be subject to independent scrutiny by experts.

The DPF promotes natural justice and seeks to prevent bias and the inappropriate use of ADM, which are positive safeguards. However, it does not establish a clear requirement for meaningful human oversight of ADM. There is no explicit right for a participant to have an automated decision reviewed by a qualified human decision-maker, nor any requirement for routine human monitoring of system performance. We regard this as a significant gap. ADM systems in human services should operate via a human-above-the-loop governance model, in which qualified decision-makers can investigate, amend, or overturn automated decisions and routinely assess system outputs against human benchmarks to ensure integrity and fairness.

The DPF includes some accountability measures through complaints processes, review rights, and reporting requirements. These provisions are valuable because they create avenues for concerns to be raised and provide some oversight of how technological processes are used. However, we consider these mechanisms insufficient to ensure genuine accountability for ADM systems. The DPF does not clearly specify who is responsible when ADM systems cause harm, nor does it establish independent oversight, auditing, or consequences for failures. Accountability should extend to ministers, agencies, public servants, and contractors involved in the design, implementation, and operation of ADM systems, ensuring that responsibility for outcomes cannot be obscured by attributing decisions to technology alone.

We thank the Department of Employment and Workplace Relations for undertaking this consultation and would welcome the opportunity to further discuss any matters raised in this submission with you. Please do not hesitate to contact us at: anglicare@anglicare.asn.au.

Yours sincerely,

Kasy Chambers
Executive Director

Position Statement

Automated decision-making in human services

The use of automated decision-making (ADM) in human services is becoming increasingly common globally, including in Australia. Across social security, aged care, disability services, employment services, and other areas, governments around the country are using these technologies to automate processes ranging from routine administrative decisions to more complex discretionary or evaluative assessments.

ADM can be broadly defined as any system in which a decision, recommendation, or action is made by a computer system or program with limited or no human intervention.[1] ADM may involve several technologies, ranging from simple rules-based systems through to artificial intelligence and machine learning.[2]

Some forms of ADM can be used legitimately to increase efficiency, consistency, and responsiveness in human services. However, the use of ADM for more complex decisions that materially impact people's lives pose significant risks and can cause serious harm, erode trust, and impinge on rights when they are poorly designed or fail.[3]

We must therefore ensure there are sufficient safeguards in place to protect people, especially the socially and economically vulnerable or marginalised, who are more likely to be harmed by the use of ADM in human services.[4]

Government's should adopt principles of participation, human oversight, transparency, and accountability. These principles should be applied proportionately, recognising that the need for safeguards increases with the significance, complexity, and potential consequences of a decision.

Our Experience

The Anglicare Australia Network's member organisations work with people who experience harm from ADM in human services. Every day, vulnerable people access our services across Australia in distress after receiving contradictory or excessively harsh decisions that have been made or influenced by automated systems. These decisions can deny people care and support, trigger punitive actions, or result in other concerning outcomes, often with limited explanation or opportunities for review.

By far the most infamous and damaging use of ADM in Australian human services was the Centrelink automated debt recovery scheme, commonly known as Robodebt. Anglicare Australia repeatedly called for the scheme to be abolished.[5] Robodebt was unlawful, lacked adequate human oversight, and relied on flawed assumptions rather than evidence. It caused significant harm to many people, particularly those on low incomes, and placed considerable strain on Anglicare Australia Network organisations, which supported affected individuals throughout the crisis.

Anglicare Australia has also raised concerns about the overly punitive and disproportionate nature of the Targeted Compliance Framework (TCF) in employment services.[6] Our member organisations see the distress and financial hardship that can arise when the TCF results in automated decisions to suspend payments

or issue compliance penalties, particularly to people already experiencing disadvantage, illness, housing insecurity, or other barriers to workforce participation. This harm is amplified by the TCF not adequately taking these individual circumstances into account.

Most recently, Anglicare Australia has highlighted problems with the Integrated Assessment Tool (IAT) in aged care, which often fails to adequately reflect the needs of older people and produces varying determinations, resulting in automated decisions that limit their access to appropriate care.[7] Our aged care providers report that this causes distress and confusion for older people who are already struggling with cognitive decline, mobility issues, loneliness, and other challenges. In addition, there are serious concerns about transparency and human oversight regarding the IAT.

Key Issues

The cases of Robodebt, the TCF, and the IAT reveal that the use of ADM in human services with inadequate participation, human oversight, transparency, and accountability, can result in harm, especially to vulnerable people. These factors should therefore be considered in the design and deployment of ADM systems.

When ADM systems are proposed for human services, particularly where they will make or influence evaluative decisions, there must be meaningful civic and democratic participation in their design to ensure they are person-centred, and that there is public confidence in them. This should include engagement of vulnerable and marginalised groups to understand the potential impacts on them. Human rights should also be considered given the Australian Human Rights Commission has raised concerns about how they might be impacted by automating discretionary decisions.[8]

When ADM is used in human services, robust human oversight is critical. Automated systems can make mistakes, produce inappropriate outcomes, or fail to adequately account for individual circumstances. We therefore support the Australian Council of Social Service's call for people to have access to review by a qualified human decision-maker, with authority to investigate, amend, or overturn automated decisions.[9]

Transparency is also essential to the use of ADM in human services. Governments must build trust by being open about automated systems and providing clear information about how they operate, including the rules and data used to inform decisions. Yet the Office of the Australian Information Commissioner found that only 17% of Commonwealth agencies published information on their use of ADM.[10] People affected must also receive a clear explanation of how a decision was reached.

Equally importantly, clear accountability for the use of ADM in human services must be maintained. We agree with the Commonwealth Ombudsman that governments must remain responsible for decisions made or influenced by automated systems and must not use technology to obscure, distance themselves from, or avoid scrutiny of policy choices.[11] The design of ADM systems to reduces expenditure, limit access to services, or strengthen compliance, must be openly acknowledged and subject to oversight.

Recommended Actions

Anglicare Australia calls on Australian governments to adopt the following principles:

- Participation: Undertake public consultation and co-design with impacted people, including vulnerable groups, to ensure person-centred design. In addition, conduct human rights impact assessments prior to deployment.[12]
- Human oversight: Adopt a human-above-the-loop governance model, enabling qualified human decision-makers to review individual decisions when they are contested or when issues arise, and routinely evaluate decisions in aggregate against a human benchmark to test system integrity.[13]
- Transparency: Make detailed information about rationale, design, function, and evaluation publicly available. This should include technical information, such as rules and algorithms, so that they are open for independent scrutiny by experts.[14]
- Accountability: Develop mechanisms to ensure elected officials, government agencies, public servants, and others responsible for design, implementation, use, and evaluation are held accountable when harm is caused. Ensure responsible parties do not avoid accountability by masking or obfuscating their involvement or policy choices, or by attributing outcomes to technology alone.[15]

1 Attorney-General's Department (2024) Consultation Paper: Use of Automated Decision-Making by Government.
2 Ibid.
3 Ottmann, G. and Silva Brito, I. (2026) Automated Algorithms, Epistemological Shift, and the Erosion of Fundamental Legal and Ethical Principles in the Social Services.
4 Ng, Y. and Gray, S. (2022) Disadvantage and the Automated Decision.
5 Anglicare Australia (2023) Submission to the Royal Commission into the Robodebt Scheme.
6 Anglicare Australia (2022) Submission to House of Representatives Inquiry into Workforce Australia Employment Services.
7 Anglicare Australia (2026) Submission to the Support at Home Program Senate Inquiry.
8 Australian Human Rights Commission (2021) Final Report: Human Rights and Technology.
9 Australian Council of Social Service (2026) Joint Letter on Automated Decision Making Legislative Framework.
10 Office of the Australian Information Commissioner (2026) Automated Decision-Making and Public Reporting under the Freedom of Information Act.
11 Commonwealth Ombudsman (2025) Better Practice Guide: Automated Decision Making.
12 Chowdhury, S. (2024) Technology is Never Neutral: Robodebt and a Human Rights Analysis of Automated Decision-Making on Welfare Recipients.
13 Rochford, A. (2026) Above-the-Loop Governance: A Statistical Architecture for Verifying and Allocating Decision Authority in Deployed AI Systems.
14 van Toorn, G. and Carney, T. (2025) Decoding the Algorithmic Operations of Australia's National Disability Insurance Scheme.
15 Nikidehaghani, M., Andrew, J. and Cortese, C. (2023) Algorithmic Accountability: Robodebt and the Making of Welfare Cheats.

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